

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JENNA L. CARNEY,

Plaintiff,

vs.

IQ DATA INTERNATIONAL, *et al.*,

Defendants.

Case No.: 2:18-cv-00195-GMN-PAL

ORDER

Pending before the Court is the unopposed Motion for Leave to File an Amended Complaint, (ECF No. 87), filed by Plaintiff Jenna L. Carney (“Plaintiff”). No Defendant in this action has filed an opposition, and the deadline to do so has passed.

Under Local Rule 7-2(d), an opposing party’s failure “to file points and authorities in response to any motion . . . constitutes a consent to the granting of the motion.” LR 7-2(d). As Defendants do not oppose Plaintiff’s request, the Court grants Plaintiff’s Motion.

In light of this Order on Plaintiff’s Motion, the Motion to Dismiss, (ECF No. 76), filed by Defendant Crossings at Lake Mead, LLC (“Lake Mead”) is moot. *See Rhodes v. Robinson*, 621 F.3d 1002, 1005 (9th Cir. 2010) (“[W]hen a plaintiff files an amended complaint, ‘[t]he amended complaint supercedes the original, the latter being treated thereafter as non-existent.’”) (quoting *Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967)). The Motion is denied without prejudice.

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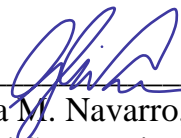
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1 Accordingly,

2 **IT IS HEREBY ORDERED** that Lake Mead's Motion to Dismiss, (ECF No. 76), is
3 **DENIED without prejudice as MOOT.**

4 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Leave to File an Amended
5 Complaint, (ECF No. 87), is **GRANTED.** Plaintiff shall file the proposed amendment attached
6 to her Motion for Leave within fourteen (14) days of this Order's issuance.

7 **DATED** this 1 day of April, 2019.

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Gloria M. Navarro, Chief Judge
United States District Court
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